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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,294

05/18/2007

Jobst Hoerentrup

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EXAMINER

TILLERY, RASHAWN N

ART UNIT

PAPER NUMBER

2174

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,294	<b>Applicant(s)</b> HOERENTRUP ET AL.	
	<b>Examiner</b> RASHAWN TILLERY	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/13/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. Claims 1-12 are pending. The claims were amended to eliminate multiple dependencies in the Preliminary Amendment dated 8/10/2006.

### ***Claim Objections***

1. Claim 9 is objected to because of the following informalities: Claim 9 is an apparatus claim. It is currently dependent from independent claim 1 which is a method claim. For purposes of examination, examiner will interpret the claim as dependent from independent claim 8- an apparatus claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwon et al ("Kwon" US7168050).

Regarding claim 1, Kwon discloses, in figures 6-9, a method for generating a displayable menu, the menu comprising separately rendered menu items (first/second

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menu level state), wherein menu items include visible and selectable menu buttons (first/second menu level state) that each have one of the states unselected, selected or activated, wherein

at least one group of menu items (first level menu state) is defined, the group comprising one or more menu items (second menu level state) and having associated a defined area (third menu level state) on the display;

a menu item may belong to not more than one of said groups (items in second menu level state are associated with only one item in first level menu state);

a state is assigned to each menu item, the state being "enabled" or "disabled", wherein only an enabled menu item may be displayed (in fig 7, items under "setup" are displayed), and wherein not more than one menu item within a group may be enabled simultaneously (in fig 7, group item "Auto scan" is enabled).

Regarding claim 2, Kwon discloses a menu item belonging to a group and being displayed is displayed within the area associated with said group, and wherein the areas of different groups may not overlap and no display pixel may belong to more than one group (see fig 7 where the third menu level state is shown).

Regarding claim 3, Kwon discloses the area associated with a group comprises a plurality of partial areas not connected with each other (see individual "third menu level state" in figs 7-9).

Regarding claim 4, Kwon discloses the area associated with a group consists of one rectangular area, and wherein visible menu items that belong to said group cover only a part of said area, or cover said area completely (see individual "third menu level

state” in figs 7-9).

Regarding claim 5, Kwon discloses all visible menu items within a group cover the same part of said rectangular area (see col. 3, line 19 to col. 4, line 24 where the Flash Read On Memory is discussed).

Regarding claim 6, Kwon discloses a menu item has an associated command, the command being executed upon activation of the menu item, and the command comprising enabling or disabling of another menu item (see col. 6, lines 6-29).

Regarding claim 7, Kwon discloses the menu relates to audio-visual content of a removable storage medium, and the menu data are stored on said medium (see col. 3, line 19 to col. 4, line 24 where the Flash Read On Memory is discussed).

Claims 8 and 9 are similar in scope to claims 1 and 2 respectively, and are therefore rejected under similar rationale.

Regarding claim 10, Kwon discloses a menu item has an associated command, the command being executed upon activation of the menu item, and the command comprising enabling or disabling of another menu item (see col. 6, lines 6-29).

Regarding claim 11, Kwon discloses the menu relates to an audio-visual multimedia presentation being stored on a removable storage medium, and wherein the data stream is also stored on said medium (see col. 3, line 19 to col. 4, line 24 where the Flash Read On Memory is discussed).

Claim 12 is similar in scope to claim 1 and is therefore rejected under similar rationale.

***Inquiries***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHAWN TILLERY whose telephone number is 571-272-6480. The examiner can normally be reached on M-F 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SY D. LUU/  
Primary Examiner, Art Unit 2174

RNT